

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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IN THE MATTER OF THE COMMISSION'S )  
INVESTIGATION, PURSUANT TO IC § 8-1-2-58 )  
INTO THE TO STATUS OF THE TRANSFER )  
OF FUNCTIONAL CONTROL OF TRANSMISSION )  
FACILITIES LOCATED IN INDIANA, BY )  
INDIANA MICHIGAN POWER COMPANY, D/B/A )  
AMERICAN ELECTRIC POWER, TO A REGIONAL )  
TRANSMISSION ORGANIZATION AND FOR )  
COMMISSION REVIEW OF THE TRANSFER )  
PURSUANT TO IC § 8-1-2-83. )

CAUSE NO. 42350

FILED

FEB 28 2003

INDIANA UTILITY  
REGULATORY COMMISSION

## Consolidated Causes

IN THE MATTER OF THE PETITION OF )  
INDIANA MICHIGAN POWER COMPANY, )  
D/B/A AMERICAN ELECTRIC POWER FOR )  
APPROVAL TO TRANSFER FUNCTIONAL )  
CONTROL OF TRANSMISSION FACILITIES )  
LOCATED IN INDIANA TO PJM )  
INTERCONNECTION, L.L.C. )  
PURSUANT TO IND. CODE § 8-1-2-83 )

CAUSE NO. 42352

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made in this Cause:

On February 18, 2003, Indiana Michigan Power Company, d/b/a American Electric Power ("AEP") filed *American Electric Powers Request for Clarification of Docket Entry* ("Request for Clarification" or "Motion") in the above captioned Cause. The Docket Entry, issued on February 14, 2003, is straightforward and, absent the introductory language contained in all Docket Entries issued by the Commission, states in full:

The Presiding Officers hereby advise the parties that three (3) copies of all responses to data requests issued in this matter should be filed with the Commission. In addition, the Parties should submit electronic copies (in Microsoft Word format) of all prefiled testimony submitted in this Cause. The electronic copies should be provided to the Presiding Administrative Law Judge at [ssstorms@urc.state.in.us](mailto:ssstorms@urc.state.in.us)

While AEP's Motion is styled as a *Request for Clarification*, rather than seeking clarification of a document that is clear upon its face, in its Motion, AEP raises numerous legal arguments that go well beyond the simple directive contained the Docket Entry.<sup>1</sup>

1. In its Motion AEP does not indicate that it is unwilling to provide the information requested. Therefore, that issue is not addressed by the Presiding Officers.

In its Motion, AEP requests "clarification of the manner and extent to which discovery responses filed with the Commission pursuant to the Docket Entry dated February 12, 2003...will be used in this Cause." Motion at 1. AEP goes on to indicate that "[t]he Docket Entry does not explain how the discovery responses will be used in this proceeding. For example, there is no explanation of how the Commission intends to use the responses or whether and how the discovery responses will be introduced into the evidentiary record." Motion at 2. AEP then proceeds to provide a basic overview of the general purpose of discovery in legal proceedings, and its view of the proper role of the Commission in an administrative proceeding.

The Presiding Officers are well aware of the proper role that the Commission may play in conducting a Commission Investigation. The Presiding Officers also recognize that as part of proceedings before the Commission, the Presiding Officers have requested that parties file their responses to discovery requests;<sup>2</sup> and, have routinely issued Docket Entries that contain either a list of issues, or questions, that should be addressed as part of a proceeding.<sup>3</sup> The parties to proceedings have routinely responded to Docket Entries issued by the Presiding Officers without the need for clarification regarding the Commission's authority to ask the questions, or clarification regarding how the Commission intends to appropriately review and consider the responses under Indiana law.


In the present case, in an effort to expedite our review in this proceeding by eliminating the need to issue Docket Entries that may contain questions that are duplicative of issues already addressed by the Parties, the Presiding Officers requested that responses to discovery requests be filed with the Commission. The February 14, 2003, Docket Entry is clear on its face. Accordingly, the Presiding Officers hereby DENY AEP's Request for Clarification.

**IT IS SO ORDERED.**

  
David W. Hadley, Commissioner

  
Scott R. Storms, Chief Administrative Law Judge

2/28/03  
Date

  
Nancy E. Manley, Secretary to the Commission

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2. See, Docket Entries issued on July 23 and 26, 2003, *In re, the Commission Investigation of the Rates and Charges for Electric Service Provided by Northern Indiana Public Service Company*, Cause No. 41746, (*Ind. Util. Reg. Comm'n*, September 23, 2002)

3. See, Docket Entry issued on April 16, 2001, *In re the Matter of the Commission's Investigation into the Service Quality of Indiana Bell Telephone Co., Inc. d/b/a Ameritech Indiana*, Cause No. 41911 (*Ind. Util. Reg. Comm'n*, December 4, 2001).